

Item W05-12 Response Form

Title: Traffic: Notice to Appear Forms and Traffic Violator School (amend Cal. Rules of Court, rule 851; revise notice to appear citation forms TR-115, TR-120, and TR-130; and revise form instructions, *Notice to Appear and Related Forms*)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Romunda Price
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 P.M Friday, February 4, 2005
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

<i>Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.</i>
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Title	Traffic: Notice to Appear Forms and Traffic Violator School (amend Cal. Rules of Court, rule 851; revise notice to appear citation forms TR-115, TR-120, and TR-130; and revise form instructions, <i>Notice to Appear and Related Forms</i>)
Summary	Amendment of Rule 851 and revision of notice to appear forms, TR-115, TR-120, and TR-130, and form instructions, <i>Notice to Appear and Related Forms</i> , (Instructions) is proposed to achieve consistency with recent changes in California law and improve uniformity. The proposal will implement changes to Vehicle Code section 42005 that prohibit dismissal of traffic violations for attendance of traffic violator school (TVS) by drivers with a commercial driver's license or drivers of a commercial vehicle, as defined in Vehicle Code section 15210(b). The proposal also addresses the requirement in Penal Code section 853.6 that verification of booking be entered on a notice to appear form before an appearance in court, if the notice to appear indicates that booking is required.
Source	Traffic Advisory Committee
Staff	Courtney Tucker, Senior Court Services Analyst (415) 865-7611
Discussion	<p>The Traffic Advisory Committee (Committee) proposes rule and form changes to implement recent amendments of California law regarding TVS and notice to appear forms and to improve consistency of the notice to appear forms.</p> <p>1. Attendance of traffic violator school</p> <p>Assembly Bill 3049 amended Vehicle Code section 42005 to prohibit dismissal of traffic violations for attendance of TVS by drivers with a commercial driver's license or drivers of a commercial vehicle, as defined in subdivision b of Vehicle Code section 15210. The amendment is effective September 20, 2005. California Rule of Court, rule 851, governs procedures for approving attendance of TVS. The Committee proposes amendment of rule 851 (Attachment A) to specify that drivers with a commercial driver's license and drivers of specified commercial vehicles are not eligible for dismissal of traffic violations for attendance of TVS, whether the request is made to a clerk or a judicial officer.</p> <p>To facilitate implementation of section 42005, the Committee proposes changes to notice to appear citation forms used by law enforcement agencies as citations for infraction and misdemeanor violations. The Judicial Council is authorized to prescribe the form of a notice to appear that is issued when a person is arrested for misdemeanor or infraction violations of the Vehicle Code or ordinances related to traffic offenses. (Veh. Code, § 40500(b).) Penal Code section 853.9 further authorizes the council to approve notice to appear forms for nontraffic offenses. When a Judicial Council notice to appear form is verified by the issuing officer, it constitutes a complaint. (Veh. Code, § 40513(b) and Pen. Code, § 853.9.) Under rule 4.103 of the California Rules of Court, notices to</p>

appear that use the approved notice to appear and related forms and comply with the council's Instructions (Attachment B) are on a form approved by the Judicial Council.

The Committee proposes revision of line 5 of the front of the notice to appear forms TR-115, TR-120, and TR-130 (Attachment B) to specify the class and category of driver's license in order to enable courts to identify those drivers that are ineligible for a dismissal for TVS attendance. Current forms TR-115, TR-120, and TR-130 follow as Attachment C.

In addition, the Committee proposes revision of the Instructions, including the notice to appear forms, TR-115, TR-120, and TR-130, to include the following changes to enable implementation of the new law and improve uniformity of text and format of notice to appear forms:

- Revision of section 3.010 to require implementation of the revised forms by law enforcement agencies by September 20, 2005, the effective date of Assembly Bill 3049;
- Revision of section 4.020 to specify that the recommendations for the size of notice to appear forms is a recommended minimum size;
- Revision of section 4.050 (b) to specify that text on citation forms TR-115, TR-120, and TR-130 must have a minimum font size of 6.0; and
- Addition of section 6.071 to require information about a defendant's class and category of driver's license.

Amendment of rule 851 and revision of the notice to appear forms, TR-115, TR-120, and TR-130, and Instructions will allow compliance with the statutory changes, provide the courts with the necessary information to respond properly to requests to attend traffic violator school, and avoid issuance of forms with print that is too small to be legible.

2. Verification of booking

Assembly Bill 2853 revised Penal Code section 853.6 to require that verification of booking be entered on a notice to appear form before an appearance in court, if the notice to appear form indicates that booking is required. The "Booking Required" check box on line 19 of the front of form TR-120 and above line 13 on the front of form TR-130 has been revised to instruct defendants to see the reverse of the form. A new section 4 has been added to the reverse with booking instructions and a verification of booking by the issuing agency. The Committee

proposes revision of section 6.170 of the Instructions to specify that if the “Booking Required” check box is checked, that the verification of booking on the defendant’s copy of the form must be completed by the issuing agency before the defendant appear in court.

Based on the considerations above, the Traffic Advisory Committee recommends amendment of rule 851; revision of the notice to appear forms, TR-115, TR-120, and TR-130; and revision of the form instructions, *Notice to Appear and Related Forms*; effective September 20, 2005.

Proposed rule 851 is Attachment A at pp. 4 to 5.

The proposed *Notice to Appear and Related Forms* are Attachment B at pp.6 to 42.

Current forms TR-115, TR-120, and TR-130 are Attachment C at pp. 43 to 51.

Penal Code section 853.6 is attached at pp. 52 to 56.

Vehicle Code section 42005, as amended by Assembly Bill 3049, is attached at pp. 57 to 58.

Attachments

ATTACHMENT A

Rule 851. Procedures and eligibility criteria for attending traffic violator school

(a) [Purpose] The purpose of this rule is to establish uniform statewide procedures and criteria for eligibility to attend traffic violator school.

(b) [Authority of a court clerk to grant pretrial diversion]

(1) (*Eligible offenses*) Except as provided in subdivision (2), a court clerk is authorized to grant a request to attend traffic violator school when a defendant with a valid driver's license requests to attend an 8-hour traffic violator school as pretrial diversion under Vehicle Code sections 41501(b) and 42005 for any infraction under divisions 11 and 12 (rules of the road and equipment violations) of the Vehicle Code if the violation is reportable to the Department of Motor Vehicles.

(2) (*Ineligible offenses*) A court clerk is not authorized to grant a request to attend traffic violator school for a misdemeanor or any of the following infractions:

(A) A violation that carries a negligent operator point count of more than one point under Vehicle Code section 12810 or more than one and one-half points under Vehicle Code section 12810.5(b)(2);

(B) A violation that occurs within 18 months after the date of a previous violation and the defendant either attended or elected to attend a traffic violator school for the previous violation (Veh. Code, § 1808.7);

(C) A violation of Vehicle Code section 22406.5 (tank vehicles);

(D) A violation related to alcohol use or possession or drug use or possession;

(E) A violation on which the defendant failed to appear under Vehicle Code section 40508(a) unless the failure-to-appear charge has been adjudicated and any fine imposed has been paid;

(F) A violation on which the defendant has failed to appear under Penal Code section 1214.1 unless the civil monetary assessment has been paid;

(G) A speeding violation in which the speed alleged is more than 25 miles over a speed limit as set forth in Chapter 7 (commencing with section 22348) of Division 11 of the Vehicle Code;

(H) A violation that occurs in a commercial vehicle as defined in subdivision (b) of Vehicle Code section 15210;

(I) A violation by a defendant having a class A, class B, or commercial class C driver's license.

ATTACHMENT A

(c) [Judicial discretion]

(1) A judicial officer may in his or her discretion order attendance at a traffic violator school in an individual case for diversion under Vehicle Code section 41501(a), 41501(b), or 42005; sentencing; or any other purpose permitted by law. A violation by a defendant having a class A, class B, or commercial class C driver's license or that occurs in a commercial vehicle, as defined in subdivision (b) of Vehicle Code section 15210, is not eligible for diversion pursuant to Vehicle Code sections 41501 or 42005.

(2) If a violation occurs within 18 months of a previous violation, a judicial officer may order a continuance and dismissal in consideration for completion of a licensed program as specified in Vehicle Code section 41501(a). The program must consist of at least 12 hours of instruction as specified in section 41501(a). Pursuant to Vehicle Code section 1808.7, a dismissal for completion of the 12-hour program under this subdivision is not confidential.

ATTACHMENT B

NOTICE TO APPEAR AND RELATED FORMS

Revised Effective ~~January 1, 2004~~ September 20, 2005



JUDICIAL COUNCIL OF CALIFORNIA

**Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California 94102-3688**

ACKNOWLEDGMENTS

The Administrative Office of the Courts gratefully acknowledges the contributions and cooperation of those representatives from the judicial community, law enforcement agencies, and special interest groups who made this manual possible.

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Chapter 1 PURPOSE OF FORMS

1.000. Definitions

For the purposes of these instructions the following words are synonymous: (a) Notice to Appear, citation; (b) violation, offense, allegation, charges; (c) defendant, violator, person, individual, citee, driver; (d) court, court of jurisdiction; (e) officer, arresting officer, citing officer, issuing officer.

1.010. In General

Notice to Appear forms are designed to meet statutory requirements and, to the extent possible, address the procedural requirements of local courts and law enforcement agencies. Notices to Appear should provide the defendant with pertinent information regarding the charges and what steps the defendant must take to answer the allegations.

The uniform language and data fields assist law enforcement and the courts in the timely and accurate processing of the citation information. The design also ensures statewide conformity of advisements important to the defendant and that those advisements are clear and explicit.

1.020. Notice to Appear

- a) Whenever a person is arrested for any violation declared to be an infraction or misdemeanor, or for a violation of any city or county ordinance, and the person is not immediately taken before a magistrate, the arresting officer must prepare a Notice to Appear form.¹
- b) When the Notice to Appear is prepared on a form approved by the Judicial Council it constitutes a complaint to which the defendant may enter a plea.²

1.030. Continuation Form

- a) The *Continuation of Notice to Appear* or *Continuation of Citation* form must be used when multiple offenses are charged and the Notice to Appear form does not provide sufficient space for the listing of all the charges. A *Continuation of Citation* is a multipurpose form intended for use with either a Notice to Appear form or a Notice to Correct Violation form.
- b) A second Notice to Appear must not be issued in lieu of a continuation form.
- c) The Notice to Appear and the corresponding continuation form must be treated as one law enforcement document and contain the same citation number.

¹Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²Per Veh. Code, § 40513(b) and Pen. Code, § 853.9.

1.040. Electronic Notice to Appear

- a) The electronic Notice to Appear eliminates those citation-processing problems caused by the illegibility of handwritten information. The use of an electronic Notice to Appear also reduces the amount of information that must be entered into law enforcement and court computer systems.
- b) A court is authorized to receive and file a Notice to Appear in an electronic form if all of the following conditions are met:³
 - 1) The information is on a form approved by the Judicial Council.
 - 2) The Notice to Appear is transmitted to the court by a law enforcement agency.
 - 3) The court has the facility to electronically store the information for the statutory period of record retention.
 - 4) The court has the ability to reproduce the Notice to Appear in physical form upon the demand and payment of the reproduction costs.

1.050. Notice of Correction and Proof of Service

Form TR-100, *Notice of Correction and Proof of Service*, must be used for any corrections to the original Notice to Appear citation.⁴ (See Appendix A.)

Chapter 2 AUTHORITY TO PRESCRIBE FORMAT

2.010. Judicial Council

- a) The Judicial Council has adopted three forms for the Notice to Appear:
 - 1) Form TR-115, *Automated Traffic Enforcement System Notice to Appear*,⁵ to be used in conjunction with violations of sections 22451, 21453, and 22101 recorded by an automated traffic enforcement system. (See Appendix D.)
 - 2) Form TR-120, *Nontraffic Notice to Appear*,⁶ to be used for violations other than traffic offenses. (See Appendix E.)
 - 3) Form TR-130, *Traffic/Nontraffic Notice to Appear*,⁷ to be used for both infraction and misdemeanor offenses. (See Appendix F.) The electronic Notice to Appear⁸ emulates the format of the *Traffic/Nontraffic Notice to Appear*. A computer-generated paper citation is issued to the defendant at the time of arrest.

³Per Pen. Code, § 959.1.

⁴Per Veh. Code, § 40505.

⁵Per Veh. Code, § 40518.

⁶Per Pen. Code, § 853.9.

⁷Per Veh. Code, §§ 40500(b), 40513(b), 40522, and Pen. Code, § 853.9.

⁸Per Pen. Code, § 959.1.

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- b) Form TR-106, *Continuation of Notice to Appear*, and form TR-108, *Continuation of Citation*, are intended for use in conjunction with *Nontraffic* and *Traffic/Nontraffic Notice to Appear* forms. (See Appendix B.)
 - c) The Judicial Council has not adopted a form for, nor established guidelines governing, the following: (1) parking citations, (2) arrest/booking reports, and (3) court bail courtesy notices.

Chapter 3 REVISION DATES

3.010. Judicial Council

- a) Periodically, the Judicial Council will adopt revisions of Notice to Appear forms. **Law enforcement must use the revised Notice to Appear form within one year of its being by the effective date of the revision to the form adopted by the Judicial Council.** (See section 6.030 for exception.) ~~This policy will~~ Depending on changes in statutory requirements, effective dates are established to allow law enforcement as much time as possible to deplete any existing supplies of the old form, print and disseminate new forms, and, if necessary, develop new procedures and train personnel regarding the revisions.
- b) ~~January 1, 2004, is the effective date of the~~ The council adopted the most recently adopted revised forms, TR-115, TR-120, and TR-130, effective September 20, 2005. The council adopted Forms TR-100, TR-106, and TR-108 with an effective date of January 1, 2004.

Chapter 4 FORM SPECIFICATIONS

4.010. Required Copies

The arresting officer must prepare the Notice to Appear form, at a minimum, in triplicate for Vehicle Code violations⁹ and in duplicate for all other violations.¹⁰ Before printing Notice to Appear forms, law enforcement agencies should contact their local court to determine if there are any local requirements for the court's case management system.

4.020. Size and Color

The size and color of Notice to Appear copies should conform with the requirements of the courts in which they are filed. The Judicial Council recommends the following minimum size and other form specifications:

- a) A "trim" size of 4 1/4 inches wide and 7 1/2 inches long; 5/8-inch tabs on the top or bottom of the form.
- b) Original (Court's copy) white, 15-pound paper stock. Print head-to-head.
- c) Duplicate (Police agency's copy) pink, 15-pound paper stock. No printing on reverse.
- d) Triplicate (Officer's copy) green, 15-pound paper stock. Print reverse head-to-head.

⁹Per Veh. Code, § 40500(a).

¹⁰Per Pen. Code, § 853.6.

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- e) Quadruplicate (Defendant's copy) yellow, 20-pound paper stock. Print reverse head-to-head.
 - f) The colors of the "Court's copy" and "Police agency's copy" correspond with rule 1:3-1 of the "Model Rules Governing Procedure in Traffic Cases" adopted by the National Conference of Commissioners on Uniform State Laws.

4.030. Paper Stock

Paper stock for hand-written citations must be pressure sensitive and have a shelf life of at least five years. The citation text must be reproducible on photocopy equipment.

4.040. Serial Numbers

- a) The serial numbers of the form sets must be sequential. There must be no "duplication" of numbers between form sets.
- b) The format of the serial numbers is at the discretion of local law enforcement with the approval of the court.

4.050. Printing Format

- a) A vertical format is required, except for the Proof of Service on form TR-100, which is printed horizontally to facilitate mailing.
- b) All text on the forms must be printed in black ink; All text on citation forms TR-115, TR-120, and TR-130 must have a minimum font size of 6.0, except Serial numbers, which may be printed in red ink. The box for the defendant's signature may be printed in red ink.

4.060. Printing Expenses

The printing of the forms and the associated costs are not the responsibility of the Judicial Council; printing is to be arranged in accordance with local custom.

Chapter 5 VARIATIONS OF MANDATORY LANGUAGE/DATA FIELDS

5.000. In General

Mandatory language and data fields are indicated on examples of Judicial Council-adopted forms by unshaded areas; see section 5.010 for exceptions.

5.010. Permitted Variations

- a) To meet the unique customs and/or needs of local law enforcement agencies and courts, the Judicial Council form permits limited variations in the "time," "place," and "proof of correction certification" data fields, among others. To indicate that variations may be permitted, these data fields are identified by shaded areas. Shading should not appear on printed forms.

b) The California Highway Patrol is permitted to alter the format and location of the fields for the name of the court, court address, and phone number and to add a field for the location of a CHP Inspection Facility on the face of a form TR-130, *Traffic/Nontraffic Notice to Appear* for their form CHP-215X.

Chapter 6 MANDATORY LANGUAGE/DATA FIELDS (FACE OF FORMS)

6.000. In General

The mandatory language and data fields vary between the various Notice to Appear forms depending on the purpose of the form. All language and data fields in unshaded areas on the forms are mandatory, even if not discussed below. Mandatory text or data fields of the forms may not be re-worded or omitted, except for references to statutory authorities, which may be abbreviated differently. Electronic Notice to Appear forms may abbreviate terms and have minor alterations to formatting to facilitate printing of forms.

Law enforcement agencies should be aware that if a written Notice to Appear is not prepared on an approved council form, a court may conclude that it does not constitute a complaint to which a defendant may enter a plea. (Veh. Code, § 40513(b).) If a defendant pleads other than “guilty” or “nolo contendere” and the court concludes that the Notice to Appear is defective, it could be necessary to re-file the charges by a formal complaint. (Veh. Code, § 40513(a).)

6.010. Agency Name

The name of the citing agency and jurisdiction must appear near the top of the form.

6.020. Title of Form

The title of the form must be printed near the top of the form.

6.030. Serial Number

- a) A sequential serial number for each multipart set of Notice to Appear forms ~~shall~~ must appear horizontally near the top right corner of each form.
- b) To facilitate the filing systems of some courts, statewide law enforcement agencies must also print the serial number in the lower right margin of the court’s copy. Statewide law enforcement agencies must comply with this requirement as specified in section 3.010. Local law enforcement agencies must comply with the requirement for the duplication of the serial number in the right margin within one calendar year of a request from a local court.
- c) The serial number may be preprinted on the Notice to Appear.
- d) The serial number on the continuation form must be the same as that on the corresponding Notice to Appear; the duplication of the serial number in the right margin is not required.

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- e) Bar coding of the serial number permits those courts with bar code readers to improve the timeliness and accuracy of processing Notice to Appear forms. Within the following parameters, the bar coding of the serial number must be placed on the face of the court's copy of the Notice to Appear form:
1. The bar code must appear as near as practical to the bottom of the form.
 2. The bar code should have a 1/4-inch area (quiet zone) that is clear and free of all printing preceding the start character and the following stop character.
 3. Statewide law enforcement agencies must comply with the bar code requirement as specified in section 3.010.
 4. Local law enforcement agencies must comply with the bar code requirement within one calendar year of a request from a local court.

6.040. Misdemeanor Check Box

To facilitate processing, the citing officer must check the misdemeanor box at the top of the Notice to Appear if one of the offenses charged is a misdemeanor. The misdemeanor check box does not appear on the automated traffic enforcement system notice.

6.050. Date and Time

- a) The date and time of the issuance of the Notice to Appear must be indicated near the top of the form.
- b) The "Date of Violation" data field must be: Mo./Day/Yr.
- c) A check box "A.M./P.M." format is provided as an optional field to indicate the time. Indicating the time in the form of "A.M./P.M." is more easily understood by most defendants than the use of the 24 hour clock (military time).

6.060. Defendant's Name

- a) The defendant's name is required on the Notice to Appear.¹¹
- b) The sequence of the defendant's name must be First/Middle/Last. This sequence corresponds with the California Driver License/Identification Card.

6.070. Defendant's Address

- a) The defendant's address must be indicated on the Notice to Appear.¹²
- b) The address must be the defendant's mailing address. The mailing address allows the court to mail a courtesy notice and/or other correspondence to the defendant.
- c) A street address may also be indicated in addition to the mailing address.

¹¹Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

¹²Per Veh. Code, §§ 40500(a), 40518(b) and Pen. Code, § 853.6.

6.071. Defendant's Class and Category of Driver's License

- a) The defendant's class of driver's license must be specified on the Notice to Appear.
- b) The Notice to Appear must specify whether the defendant's driver's license is a commercial driver's license.

6.080. Defendant's Age and Birth Date

- a) The defendant's age and birth date is required on the Notice to Appear. The sequence of the birth date must be: Mo./Day/Yr.
- b) The birth date data field is designed to accept a numerical entry.

6.090. Defendant's Physical Description

- a) The defendant's sex, hair, color of eyes, height, and weight are required on the Notice to Appear. See section 8.020 for the policy regarding the defendant's race/ethnicity.
- b) Data fields for the recording of the defendant's physical description are designed to accept the standard abbreviations of physical descriptors.

6.100. Commercial Vehicle

If the vehicle involved in an offense when a notice to appear is issued is a commercial vehicle;¹³ the citing officer must mark the check box within the data field, "COMMERCIAL VEHICLE (Veh. Code, § 15210(b))."

6.110. Hazardous Material

If the vehicle involved in an offense when a notice to appear is issued was transporting hazardous material, the citing officer must mark the check box within the data field, "HAZARDOUS MATERIAL (Veh. Code, § 353)".

6.120 Vehicle Description

The year, make, and body style of the vehicle operated by the defendant at the time of the offense must be indicated on the Notice to Appear.¹⁴

6.130. Financial Responsibility

The officer must write the driver's evidence of financial responsibility on the Notice to Appear.¹⁵ A person issued a Notice to Appear for a violation of this section may submit to the clerk of the court, in person or by mail, written evidence that the driver was in compliance with this section at the time of the citation.

6.140. Name of Registered Owner/Lessee

- a) The Notice to Appear must contain the name of the registered owner or lessee.¹⁶

¹³Commercial vehicle is defined in Veh. Code, § 15210(b). The requirement to indicate if offense involves a motor vehicle is per Veh. Code, § 40300.2.

¹⁴Per Veh. Code, § 40500(a).

¹⁵Per Veh. Code, § 16028.

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- b) The name must be indicated on the Notice to Appear in the following sequence:
First/Middle/Last.

6.150. Address of the Registered Owner/Lessee

- a) The address of the registered Owner/Lessee must be indicated on the Notice to Appear.¹⁷
- b) The address must be the registered owner's mailing address.

6.160. Correctable Violation Advisement and Check Boxes

- a) Whenever a person is arrested for violations specified in Vehicle Code section 40303.5 and none of the disqualifying conditions set forth in Vehicle Code section 40610(b) exist, and the officer issues a Notice to Appear, the notice must specify the offense charged and note in a form approved by the Judicial Council that the charge will be dismissed upon proof of correction.¹⁸
- b) For offenses identified in Vehicle Code section 40303.5 the citing officer must indicate by marking the appropriate check box whether or not the offense is eligible for dismissal upon proof of timely correction. Marking the “no” box denotes that disqualifying conditions specified in Vehicle Code section 40610(b) exist.
- c) The correctable violation advisement and the check boxes do not appear on the *Automated Traffic Enforcement System* notice.

6.170. Booking Required

The officer may either book the arrested person prior to release, or indicate on the Notice to Appear that the arrested person must be booked before appearing in court.¹⁹ If the “Booking Required” check box is checked on Form TR-120 or TR-130, the arresting agency must complete the verification of booking section on the defendant’s copy of the form. The “booking required” check box does not appear on the *Automated Traffic Enforcement System* notice.

6.180. Violations

The Notice to Appear must state the offenses charged.²⁰

6.190. Speed

A Notice to Appear charging a speeding violation must specify the approximate speed, prima facie or maximum speed, and any other speed limit exceeded.²¹

- a) The “safe speed” box is provided so that the officer can indicate a speed different from the maximum or prima facie (posted) speed when the Notice to Appear is prepared charging a violation of the basic speed law (Veh. Code, § 22350).

¹⁶Per Veh. Code, § 40500(a).

¹⁷Per Veh. Code, § 40500(a).

¹⁸Per Veh. Code, § 40522.

¹⁹Per Pen. Code, § 853.6.

²⁰Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

²¹Per Veh. Code, § 40503.

Conditions affecting the safe speed limit should be noted on the Notice to Appear (e.g., fog, rain, etc.).

- b) When a speed violation is charged, both the approximate speed and the prima facie speed applicable to the street or highway should be indicated.
- c) Entry of the maximum speed limit pertaining to the particular type of vehicle, or combination of vehicles, is only required if the defendant is cited for exceeding the speed limit for that vehicle.

6.200. Location of Violation

The Notice to Appear must state the location of where the offenses charged occurred.

6.210. Officer's Declaration on Information and Belief

The officer must indicate on the Notice to Appear (check box) when the offense was not committed in his/her presence and that his/her declaration is on information and belief. A citizen's complaint is an example of a situation that may result in the officer's checking the box. The declaration is separate and distinct from the officer's declaration under penalty of perjury discussed in section 6.220.

6.220. Officer's Declaration under Penalty of Perjury

The Notice to Appear must contain the officer's declaration, under penalty of perjury, subscribed by the officer, that the information regarding the violations is true and correct.²²

6.230. Other Officer

The name of the arresting officer, if different from the name of the officer completing the Notice to Appear, must be stated on the Notice to Appear. This policy was adopted to address situations in which there are teams of officers working radar enforcement or aerial patrol. This option is not available on the *Automated Traffic Enforcement System Notice to Appear*. (See section 6.231.)

6.231. Declarant-Automated Traffic Enforcement System Citations

The name of the government agency or law enforcement representative making the declaration, "Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence," must be stated on the *Automated Traffic Enforcement System Notice to Appear*.

6.240. Defendant's Signature

To secure release from arrest, the defendant must give his/her written promise to appear.²³ This option does not apply to citations issued for violations recorded by an *Automated Traffic Enforcement System Notice to Appear*.

²²Per Code Civ. Proc., § 2015.5.

²³Per Veh. Code, § 40504 and Pen. Code, § 853.6.

6.250. Time to Appear

- a) The time specified in a Notice to Appear issued for a traffic offense must be a specific date which is at least 21 days after arrest; the court having jurisdiction over the offense charged may authorize the arresting officer to specify on the Notice to Appear that the appearance may be made before the time specified.²⁴
- b) When a Notice to Appear has been issued for a violation recorded by an automated traffic enforcement system, it must be mailed within 15 days of the violation date to the current address of the registered owner of the vehicle on file with the Department of Motor Vehicles, with a certificate of mailing obtained as evidence of service.²⁵ The time to appear must be at least ten days after the Notice to Appear is delivered.²⁶
- c) The time to appear placed on the *Nontraffic Notice to Appear* or on a *Traffic/Nontraffic Notice to Appear* for a nontraffic offense must be at least 10 days after the date of arrest for a nontraffic violation. (Pen. Code, § 853.6.)
- d) In the case of juveniles, the court having jurisdiction over the offense charged may require the arresting officer to indicate on the Notice to Appear "to be notified" rather than a specific date.²⁷

6.260. Place to Appear

The place specified on the Notice to Appear must be one of the following:

- a) Before a magistrate or judge.²⁸
- b) Before a person authorized to receive a deposit of bail.²⁹
- c) Before the juvenile court, juvenile court referee, or juvenile hearing officer.³⁰

6.270. Night Court

If the court identified in the Notice to Appear holds night sessions, the notice must include a statement advising the defendant.³¹

6.280. Legend

The lower left corner of the Notice to Appear forms must denote that the form is a Judicial Council form and specify the council's form number. On electronic Notice to Appear forms, the approval legend may appear near the top of the form.

²⁴Per Veh. Code, § 40501(a).

²⁵Per Veh. Code, § 40518(a).

²⁶Per Veh. Code, § 40518(b).

²⁷Per Veh. Code, § 40501(b).

²⁸Per Veh. Code, § 40502(a)–(b) and Pen. Code, § 853.6.

²⁹Per Veh. Code, § 40502(c) and Pen. Code, § 853.6.

³⁰Per Veh. Code, § 40502(d).

³¹Per Veh. Code, § 40502(d).

7.000. In General

The discretionary (shaded) areas on the forms (see Appendix) depict language and data fields that are frequently included at the option of the court or law enforcement agency (with the consent of the court in which the Notice to Appear is to be filed).

Because of limited space, not all of the discretionary language and data fields used throughout the state can be shown on the sample forms. The following are narrative descriptions of several discretionary data fields.

7.010. Bail Statement

If the offense is bailable, the magistrate must fix the amount of bail and endorse the following statement on the warrant for arrest.³⁵

BAIL:

The defendant is to be admitted to bail in the sum of _____ dollars.

Judge

Note: The mandatory requirement that the above statement appear on the reverse of the court's copy disrupts the processing of Notice to Appear forms in those automated courts that use the space for cash register validations, automated traffic system notations, and notes of court proceedings. These courts use a separate form when issuing a warrant for arrest. For those reasons, the warrant for arrest statement is now discretionary.

7.020. Defendant's Race/Ethnicity

- a) A specific data field for the defendant's "Race" or "Ethnicity" may be added to the Notice to Appear form. The data field should be located on the same line as other physical descriptors.
- b) The defendant's "Race" or "Ethnicity" may be indicated in the "Other Description" data field.
- c) If the defendant's "Race" or "Ethnicity" is to be indicated, the Judicial Council recommends the use of a single alpha character. Reference: California Department of Justice's Arrest and Disposition Instruction Manual.

7.030. Defendant's Thumbprint

- a) The defendant's thumbprint may be placed on the Notice to Appear in situations in which there is a question in the citing officer's mind as to the true identity of the defendant. The court will then have the option of comparing thumbprints in those cases where the defendant alleges that another person has committed the cited offense.³³

³²Per Pen. Code, § 815(a).

³³Per Veh. Code, § 40500(a) and Pen. Code, § 853.6.

-
- b) The Judicial Council recommends that the thumbprint be placed in a one-inch square area located on the reverse of the court's copy in the lower left corner.
 - c) The thumbprint item does not appear on the *Automated Traffic Enforcement System Notice to Appear*.

Chapter 8 PROHIBITED LANGUAGE/DATA FIELDS

8.010. Defendant's Social Security Number

The defendant's social security number must not be indicated on the Notice to Appear, unless the social security number is also the driver license number and/or the defendant holds a commercial driver license.

To protect an individual's civil rights, federal statutes allow a very restricted compulsory use of a person's social security number for the purpose of establishing identity.³⁴

Federal statutes do permit an agency having administrative responsibility for driver license and motor vehicle registration laws to use a person's social security number to establish that person's identity as it relates to the laws within the agency's jurisdiction.³⁵

The California Department of Motor Vehicles requires an individual to disclose his or her social security number in order to obtain a driver license or identification card.³⁶ A number of other states use the individual's social security number as the driver license number.

³⁴Per Public Law 93-579, § 7.

³⁵Per 42 USC § 405, (c)(2)(c)(i)–(iv).

³⁶Per Veh. Code, §§ 1653.5 and 12801.

APPENDIXES OF COUNCIL FORMS

Appendix A *Notice of Correction and Proof of Service*, Form TR-100

PROOF OF SERVICE

I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where

Date:

Original to Court

Defendant's Address:

(SIGNATURE)

NAME OF COURT:	
STREET ADDRESS:	
MAILING ADDRESS:	
CITY AND ZIP CODE:	
BRANCH NAME:	
TELEPHONE:	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
DEFENDANT:	
NOTICE OF CORRECTION AND PROOF OF SERVICE (Vehicle Code, § 40505)	
AMENDING OFFICER NAME/ID NO.:	DEPARTMENT/AGENCY:
CITATION NUMBER:	CASE NUMBER:

1. A *Notice to Appear/Notice to Correct Violation* was issued to you by an officer of this department on (date):
2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.
 - ☐ Date/time of violation should be _____
 - ☐ Date/time of court appearance should be changed
_____ to _____
 - ☐ Violation section(s) should be changed
_____ to _____
 - ☐ Location of violation should be changed
_____ to _____
 - ☐ Other (specify): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____
(Signature of officer)

Appendix B *Continuation of Notice to Appear*, Form TR-106

(Name of Agency and Jurisdiction) CONTINUATION OF NOTICE TO APPEAR				<input type="checkbox"/> Traffic <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Nontraffic <input type="checkbox"/> Nontraffic	(Citation No.)
Date 1. / /	Time	AM PM	Day of Week S M T W T F S	Case No.	
Name (First, Middle, Last) 2.					
Veh. Lic. No. or VIN 3.				State	
Correctable Violation (Veh. Code, § 40610)					
Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)	
4. <input type="checkbox"/>	<input type="checkbox"/>			M	I
5. <input type="checkbox"/>	<input type="checkbox"/>			M	I
6. <input type="checkbox"/>	<input type="checkbox"/>			M	I
7. <input type="checkbox"/>	<input type="checkbox"/>			M	I
8. <input type="checkbox"/>	<input type="checkbox"/>			M	I
9. <input type="checkbox"/>	<input type="checkbox"/>			M	I
10. <input type="checkbox"/>	<input type="checkbox"/>			M	I
11. <input type="checkbox"/>	<input type="checkbox"/>			M	I
12. <input type="checkbox"/>	<input type="checkbox"/>			M	I
13. <input type="checkbox"/>	<input type="checkbox"/>			M	I
14. <input type="checkbox"/>	<input type="checkbox"/>			M	I
15. <input type="checkbox"/>	<input type="checkbox"/>			M	I
16. <input type="checkbox"/>	<input type="checkbox"/>			M	I
17. <input type="checkbox"/>	<input type="checkbox"/>			M	I
18. <input type="checkbox"/>	<input type="checkbox"/>			M	I
19. <input type="checkbox"/>	<input type="checkbox"/>			M	I
20. <input type="checkbox"/>	<input type="checkbox"/>			M	I
21. <input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.					
22. _____ Arresting or Citing Officer				Serial No. _____	
23. / / _____ Date Name of Arresting Officer, if different from Citing Officer				Serial No. _____	
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED. 24. X Signature					

25

CONTINUATION OF NOTICE TO APPEAR
(REVERSE OF VIOLATOR'S COPY)

IMPORTANT — READ CAREFULLY

This form is used when multiple offenses are charged and the original notice to appear form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date.

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed upon your showing to the court that evidence of financial responsibility was valid at the time this citation was issued.

Proof of correction should be obtained for driver license, registration, and equipment violations.
CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.

METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):

1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected by an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at _____ (fill in location) during regular business hours.

[illegible]

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF CITATION

(Face of Violator's Copy)

(Name of Agency and Jurisdiction)

CONTINUATION OF CITATION ☐ NOTICE TO APPEAR ☐ MISDEMEANOR
☐ NOTICE TO CORRECT VIOLATION ☐ Traffic ☐ Nontraffic (Citation No.)

Date of Violation / /	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week S M T W T F S	Case No.
--------------------------	--	-------------------------------------	----------

Name *(First, Middle, Last)*

Veh. Lic. No. or VIN State

Correctable Violation (Veh. Code, § 40610)

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.

Arresting or Citing Officer

/ /
Date

Name of Arresting Officer, if different from Citing Officer

Serial No.

Serial No.

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.

X Signature

Judicial Council of California Form
Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600, 40610(d), 40618; Pen. Code, § 853.9)

SEE REVERSE
TR-108

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix C *Continuation of Citation*, Form TR-108

CONTINUATION OF CITATION

(Face of Violator's Copy)

(Name of Agency and Jurisdiction)

CONTINUATION OF CITATION ☐ NOTICE TO APPEAR ☐ MISDEMEANOR
☐ NOTICE TO CORRECT VIOLATION ☐ Traffic ☐ Nontraffic (Citation No.)

Date of Violation 1 / /	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week S M T W T F S	Case No.
----------------------------------	--	-------------------------------------	----------

2 Name *(First, Middle, Last)*

3 Veh. Lic. No. or VIN State

Correctable Violation (Veh. Code, § 40610)

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
4	<input type="checkbox"/>	<input type="checkbox"/>		M I
5	<input type="checkbox"/>	<input type="checkbox"/>		M I
6	<input type="checkbox"/>	<input type="checkbox"/>		M I
7	<input type="checkbox"/>	<input type="checkbox"/>		M I
8	<input type="checkbox"/>	<input type="checkbox"/>		M I
9	<input type="checkbox"/>	<input type="checkbox"/>		M I
10	<input type="checkbox"/>	<input type="checkbox"/>		M I
11	<input type="checkbox"/>	<input type="checkbox"/>		M I
12	<input type="checkbox"/>	<input type="checkbox"/>		M I
13	<input type="checkbox"/>	<input type="checkbox"/>		M I
14	<input type="checkbox"/>	<input type="checkbox"/>		M I
15	<input type="checkbox"/>	<input type="checkbox"/>		M I
16	<input type="checkbox"/>	<input type="checkbox"/>		M I
17	<input type="checkbox"/>	<input type="checkbox"/>		M I
18	<input type="checkbox"/>	<input type="checkbox"/>		M I
19	<input type="checkbox"/>	<input type="checkbox"/>		M I
20	<input type="checkbox"/>	<input type="checkbox"/>		M I

21 ☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct, and a continuation of the enforcement document noted.

22 _____
Arresting or Citing Officer

23 / / _____
Date Name of Arresting Officer, if different from Citing Officer

Serial No.

Serial No.

24 **WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED.**
X Signature

Judicial Council of California Form
Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600, 40610(d), 40618; Pen. Code, § 853.9)

SEE REVERSE
TR-108

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF CITATION
(Reverse of Violator's Copy)

IMPORTANT—READ CAREFULLY

This form is used when multiple offenses are charged and the original Notice to Appear/Notice to Correct Violation form does not provide sufficient space for the listing of all the charges. PLEASE REFER TO THE REVERSE OF THE ORIGINAL NOTICE TO APPEAR/NOTICE TO CORRECT VIOLATION FOR IMPORTANT INFORMATION REGARDING YOUR LEGAL OBLIGATIONS.

CORRECTABLE VIOLATIONS ON A NOTICE TO APPEAR: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) will be dismissed by the court *if* PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person on or before the appearance date. Proof of correction should be obtained for driver license, registration, and equipment violations. **CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.**

Violations of Vehicle Code section 16028 (automobile insurance) will be dismissed only upon (1) your showing or mailing to the court evidence of financial responsibility valid at the time this notice to appear was issued and (2) your payment of a transaction fee.

CORRECTABLE VIOLATIONS ON A NOTICE TO CORRECT VIOLATION: Those driver license, vehicle registration, and mechanical violations cited in accordance with Vehicle Code section 40610(a) must be corrected and **PROOF OF CORRECTION** must be provided to the law enforcement agency's office designated on the reverse side of the Notice to Correct Violation form within 30 days in order to have the violation cleared. Proof of correction should be obtained for driver license, registration, and equipment violations. **CORRECT EQUIPMENT VIOLATIONS IMMEDIATELY.**

METHODS FOR OBTAINING CERTIFICATION OF CORRECTION (Veh. Code, § 40616):

1. Pollution control device violations must be certified by a smog check station licensed by the California Bureau of Automobile Repair.
2. Lamp, brakes, and exhaust system violations may be certified as corrected by an authorized inspection and installation station for the specific violation(s).
3. Registration and driver license violations may also be certified as corrected at an office of the Department of Motor Vehicles or by any clerk or deputy clerk of a court.
4. Proof of correction, except for violations that must be cleared at a certified inspection and installation station, may be obtained at _____ (fill in location) during regular business hours.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO: ☐ COURT, ☐ CITING AGENCY)

[illegible]

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

CONTINUATION OF CITATION
(Reverse of Court's Copy)

(Circle one)

**RIGHT or LEFT
THUMBPRINT**

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix D *Automated Traffic Enforcement System Notice to Appear*, Form TR-115

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)												
NOTICE TO APPEAR Automated Traffic Enforcement (Citation No.)												
Date of Violation 1. / /			Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S		Case No.					
Name (First, Middle, Last) 2.												
Address 3.												
City 4.		State				ZIP Code						
Driver Lic. No. 5.				State		Class	Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No		Age / /			
Sex 6.	Hair	Eyes	Height		Weight		Race					
Veh. Lic. No. or VIN 7.						<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b)) <input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)						
Yr. of Veh. 8.	Make	Model	Body Style		Color							
Registered Owner or Lessee 9.												
Address 10.												
City 11.		State				ZIP Code						
Code and Section 12.					Description							
Location of Violation at 13.				City/County of Occurrence								
<p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p> <table style="width: 100%;"><tr><td style="width: 40%;">Date Issued 14.</td><td style="width: 40%;">Declarant</td><td style="width: 20%; text-align: center;">ID No.</td></tr></table>										Date Issued 14.	Declarant	ID No.
Date Issued 14.	Declarant	ID No.										
YOU MUST RESPOND TO THE COURT ON OR BEFORE: 15. WHEN: DATE: _____ Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. 16. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone no.] <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-top: 10px;">Clerk's Office Hours [Insert hours clerk's office is open.]</div>												
<div style="border: 1px solid black; padding: 10px; display: inline-block; margin: 10px auto; width: 200px;">FPO Barcode</div>												
DEFENDANT COPY SEE REVERSE TR-115												
Judicial Council of California Form Rev. 09-20-05 (Veh. Code, § 40518)												

Shaded areas on the form indicate spaces subject
to modification for local or agency requirements.

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

IMPORTANT—READ CAREFULLY
This Citation Is Based on Photographic Evidence The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact: _____
If you were not driving the vehicle at the time of the violation, contact _____
WHAT TO DO
<p>You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase.</p> <p>1. If you do NOT contest the violation</p> <p>a. (Pay the bail amount) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected.</p> <p>b. (Traffic school) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee, and you may have to pay other fees.</p> <p>2. If you contest the violation (select one)</p> <p>a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.</p> <p style="text-align: center;">—OR—</p> <p>b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.</p>
WRITING TO THE COURT
If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. Do not send your copy of the citation. Keep it for your own records.
BAIL INFORMATION
The "bail" is the amount you must pay or deposit for the charged violation.
<div style="border: 1px solid black; padding: 5px; display: inline-block;">Bail Amount: \$ _____ OR [See enclosed information]</div>
Make the check or money order payable to _____. Write the citation number and your driver license number on your check or money order. You may deposit the bail in person, by mail or by phone.
NIGHT COURT TRIALS [are] [are NOT] available for this citation.
JUVENILES
If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at _____]
ONLINE INFORMATION
You may obtain additional information at [Local Web site: _____]

Shaded areas on the form indicate spaces subject
to modification for local or agency requirements.

Appendix E *Nontraffic Notice to Appear*, Form TR-120

NONTRAFFIC NOTICE TO APPEAR

(Face of Court's Copy)

(Name of Agency and Jurisdiction)				<input type="checkbox"/> MISDEMEANOR	
NOTICE TO APPEAR				Nontraffic (Citation No.)	
Date of Violation 1. / /		Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S	
Case No.					
Name (First, Middle, Last) 2.					
Address 3.					
City 4.		State		ZIP Code	
Driver Lic. No. 5.		State		Class	
Age		Birth Date / /		<input type="checkbox"/> Juvenile (Phone No.) ()	
Sex 6.		Hair		Eyes	
Height		Weight		Race	
Other Description					
Code		Ordinance		Description	
7.				Misdemeanor or Infraction (Circle) M I	
8.				M I	
9.				M I	
10.				M I	
11.				M I	
12.				M I	
13.				M I	
14.				M I	
15.				M I	
16.				M I	
17.				M I	
18.				M I	
Evidence Seized 19.				<input type="checkbox"/> Booking Required (see reverse)	
Location of Violation(s) 20.		City/County of Occurrence			
Comments 21.					
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
23. _____ Arresting or Citing Officer		Serial No.		to Dates Off	
24. / / Date		Name of Arresting Officer, if different from Citing Officer		Serial No.	
				to Dates Off	
25. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature					
26. WHEN:		ON OR BEFORE THIS DATE: / /		Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
				Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	
27. WHAT TO DO:		FOLLOW THE INSTRUCTIONS ON THE REVERSE.			
WHERE:		[Name of court[s]]			
		[Section[s] or division[s], room no[s].]			
		[Street address[es]]			
		[Phone No.]			
28. <input type="checkbox"/> To be notified		<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.			
		FPO Barcode		DEFENDANT COPY	
Judicial Council of California Form Rev. 09-20-05 (Pen. Code, § 853.9)				SEE REVERSE TR-120	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Defendant's Copy)

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

If "Booking Required" is checked you must appear on a weekday prior to your court date for booking at: _____ between the hours of _____ and _____ and bring the signed verification to your court appearance. Call _____ for more information.

Booking Verification: I declare under penalty of perjury under the laws of the State of California that

_____ was booked on _____ Date _____ Officer _____ Serial No. _____

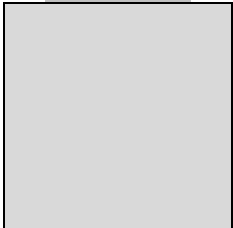
WHAT TO DO

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

Appendix F *Traffic/Nontraffic Notice to Appear*, Form TR-130

(NAME OF AGENCY AND JURISDICTION)						<input type="checkbox"/> MISDEMEANOR			
NOTICE TO APPEAR						<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic		(Citation No.)	
Date of Violation 1. / /		Time		<input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week S M T W T F S		Case No.		
Name (First, Middle, Last) 2.						<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)			
Address 3.									
City 4.			State		ZIP Code		<input type="checkbox"/> Juvenile (Phone No.) ()		
Driver Lic. No. 5.			State		Class		Commercial <input type="checkbox"/> Yes <input type="checkbox"/> No	Age Birth Date / /	
Sex 6.	Hair	Eyes	Height	Weight	Race	Other Description			
Veh. Lic. No. or VIN 7.						<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))			
Yr. of Veh. 8.	Make	Model	Body Style	Color	<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)				
Evidence of Financial Responsibility 9.									
Registered Owner or Lessee 10.						<input type="checkbox"/> Same as Driver			
Address 11.						<input type="checkbox"/> Same as Driver			
City 12.			State		ZIP Code				
Correctable Violation (Veh. Code, § 40610) Yes No Code and Section				<input type="checkbox"/> Booking Required (see reverse) Description		Misdemeanor or Infraction (Circle)			
13. <input type="checkbox"/>	<input type="checkbox"/>					M I			
14. <input type="checkbox"/>	<input type="checkbox"/>					M I			
15. <input type="checkbox"/>	<input type="checkbox"/>					M I			
16. <input type="checkbox"/>	<input type="checkbox"/>					M I			
Speed Approx. 17. >	P.F./Max Spd.	Veh. Lmt.	Safe	Radar	<input type="checkbox"/> Continuation Form Issued		N		
Location of Violation(s) 18. at				City/County of Occurrence			W	E	
Comments (Weather, Road & Traffic Conditions) 9.							<input type="checkbox"/> Accident		
							S		
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.									
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.									
Arresting or Citing Officer 21. _____						Serial No. _____		to Dates Off _____	
Date _____ Name of Arresting Officer, if different from Citing Officer _____						Serial No. _____		to Dates Off _____	
23. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature _____									
24. WHEN: ON OR BEFORE THIS DATE: ____ / ____ / ____						Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM			
25. WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone No.]									
26. <input type="checkbox"/> To be notified						<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.			
FPO Barcode						DEFENDANT COPY			
Judicial Council of California Form Rev. 09-20-05 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)						SEE REVERSE TR-130			

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**TRAFFIC/NONTRAFFIC NOTICE TO APPEAR
(Reverse of Defendant's Copy)**

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

JUVENILE: If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

COURTESY NOTICE: A courtesy notice **may** be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

WHAT TO DO

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are on the front of this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Correct the violation (traffic cases, when applicable).
- Appear in court.
- Request traffic school (traffic cases, when applicable).
- Contest the violation.
- Request trial by written declaration (traffic cases).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

1. If you do NOT contest the violation:

a. (Pay the bail amount) Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.

b. (Traffic school) You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee, and you may have to pay other fees. Contact the court to request traffic school.

c. (Correctable violations) If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)

Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

2. If you contest the violation (select a or b):

a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount. —OR—**

b. (Trial by written declaration (traffic infractions)) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

3 Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

4. If "Booking Required" is checked you must appear for booking on a weekday prior to your court date at: _____ between the hours of _____ and _____ and bring the signed verification to your court appearance. Call _____ for more information.

Booking Verification: I declare under penalty of perjury under the laws of the State of California that

_____ was booked on _____ Date _____ Officer _____ Serial No. _____

5. Additional information is available at

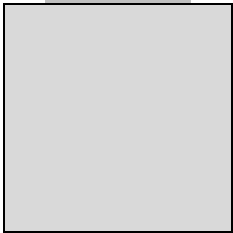
Local Web site _____

Shaded areas on the form indicate spaces subject
to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR
(Reverse of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject
to modification for local or agency requirements.

ATTACHMENT C

TRAFFIC NOTICE TO APPEAR

Automated Traffic Enforcement System

(NAME OF AGENCY AND JURISDICTION)									
NOTICE TO APPEAR Automated Traffic Enforcement								(Citation No.)	
Date of Violation 1. / /			Time <input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S		Case No.		
Name (First, Middle, Last) 2.									
Address 3.									
City 4.			State			ZIP Code			
Driver Lic. No. 5.			State		Class	Age	Birth Date / /		
Sex 6.	Hair	Eyes	Height		Weight		Race		
Veh. Lic. No. or VIN 7.						State		<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))	
Yr. of Veh. 8.	Make	Model	Body Style		Color		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)		
Registered Owner or Lessee 9.									
Address 10.									
City 11.			State			ZIP Code			
Code and Section					Description				
12.									
Location of Violation at 13.					City/County of Occurrence				
<p><input checked="" type="checkbox"/> Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence.</p> <p>I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.</p>									
Date Issued 14.					Declarant			ID No.	
<p>YOU MUST RESPOND TO THE COURT ON OR BEFORE:</p> <p>15. WHEN: DATE: _____ Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM</p> <p>WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.</p> <p>16. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address[es]] [Phone no.]</p>									
<p style="text-align: center;">Clerk's Office Hours [Insert hours clerk's office is open.]</p>									
<div style="border: 1px solid black; padding: 10px; display: inline-block;">FPO Barcode</div>									
DEFENDANT COPY								SEE REVERSE TR-115	
<small>Judicial Council of California Form Rev. 01-01-04 (Veh. Code, § 40518)</small>									

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC NOTICE TO APPEAR
Automated Traffic Enforcement System

IMPORTANT—READ CAREFULLY
This Citation Is Based on Photographic Evidence The vehicle identified on the front was photographed in violation of a traffic signal or sign. You may see the photographs. Contact: _____
If you were not driving the vehicle at the time of the violation, contact _____
WHAT TO DO
<p>You have been issued a citation that charges you with a traffic infraction. You must respond by following one of the procedures below by the date on the front (see "WHEN"). If you do not, you may lose your license to drive, and your money penalties may increase.</p> <p>1. If you do NOT contest the violation</p> <p>a. (Pay the bail amount) (See "BAIL INFORMATION" below) Your bail will be forfeited to the court. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count will be charged to your DMV record for this offense and your insurance may be adversely affected.</p> <p>b. (Traffic school) You may be able to avoid the point count and adverse effect on your insurance by attending traffic school. Contact the court to request traffic school. You must pay the bail amount as a fee and you may have to pay other fees.</p> <p>2. If you contest the violation (select one)</p> <p>a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. You will be required to submit the bail amount. You will be given a date for your trial.</p> <p style="text-align: center;">—OR—</p> <p>b. (Trial by written declaration) Send a certified or registered letter postmarked not later than five days prior to the appearance date, or come to the court on or before the date on the front and request a trial by written declaration. Submit the bail amount. You will be given forms to allow you to write a statement and submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider all of the evidence at the same time and decide the case.</p>
WRITING TO THE COURT
If you write to the court, always write the citation number and your driver license number on your letter. Use of certified or registered mail is required. Do not send your copy of the citation. Keep it for your own records.
BAIL INFORMATION
The "bail" is the amount you must pay or deposit for the charged violation. <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: fit-content;">Bail Amount: \$ _____ OR [See enclosed information]</div> <p>Make the check or money order payable to _____. Write the citation number and your driver license number on your check or money order. You may deposit the bail in person, by mail or by phone.</p>
NIGHT COURT TRIALS [are] [are NOT] available for this citation.
JUVENILES
If you are under 18, you must be accompanied by your parent or guardian when you appear in court. Bring this citation and your driver license. You will be notified by the Juvenile Court of your court date. [For additional information, call the Juvenile Traffic Court at _____]
ONLINE INFORMATION
You may obtain additional information at [Local Web site: _____]

Shaded areas on the form indicate spaces subject
to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Face of Court's Copy)

(Name of Agency and Jurisdiction)				Nontraffic <input type="checkbox"/> MISDEMEANOR		(Citation No.)	
NOTICE TO APPEAR							
Date of Violation		Time		<input type="checkbox"/> AM <input type="checkbox"/> PM	Day of Week S M T W T F S		Case No.
1. / /							
Name (First, Middle, Last)							
2.							
Address							
3.							
City		State			ZIP Code		
4.							
Driver Lic. No.		State	Class	Age	Birth Date	<input type="checkbox"/> Juvenile (Phone No.)	
5.					/ /	()	
Sex	Hair	Eyes	Height	Weight	Race	Other Description	
6.							
Code		Ordinance	Description			Misdemeanor Infraction (Circle)	
7.						M I	
8.						M I	
9.						M I	
10.						M I	
11.						M I	
12.						M I	
13.						M I	
14.						M I	
15.						M I	
16.						M I	
17.						M I	
18.						M I	
Evidence Seized				<input type="checkbox"/> Booking Required			
19.							
Location of Violation(s)				City/County of Occurrence			
20.							
Comments							
21.							
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.							
22. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.							
23. _____ Arresting or Citing Officer				Serial No. _____		to Dates Off _____	
24. / / Date		Name of Arresting Officer, if different from Citing Officer			Serial No. _____		to Dates Off _____
25. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature							
26. WHEN:		ON OR BEFORE THIS DATE: ____ / ____ / ____				Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM	
WHAT TO DO:		FOLLOW THE INSTRUCTIONS ON THE REVERSE.					
27. WHERE:		[Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone No.]					
28. <input type="checkbox"/> To be notified		<input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.					
				FPO Barcode		DEFENDANT COPY	
Judicial Council of California Form Rev. 01-01-04 (Pen. Code, § 853.9)							
SEE REVERSE							
TR-12							

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Defendant's Copy)

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE, regardless of the disposition of the original charge. (Pen. Code, § 853.7.)

WHAT TO DO

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

NONTRAFFIC NOTICE TO APPEAR
(Reverse Of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR

(Face of Court's Copy)

(NAME OF AGENCY AND JURISDICTION)										<input type="checkbox"/> MISDEMEANOR	
NOTICE TO APPEAR										<input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic (Citation No.)	
Date of Violation 1. / /			Time		<input type="checkbox"/> AM <input type="checkbox"/> PM		Day of Week S M T W T F S		Case No.		
Name (First, Middle, Last) 2.										<input type="checkbox"/> Owner's Responsibility (Veh. Code, § 40001)	
Address 3.											
City 4.				State				ZIP Code			
Driver Lic. No. 5.			State		Class	Age	Birth Date / /		<input type="checkbox"/> Juvenile (Phone No.) ()		
Sex 6.	Hair	Eyes	Height		Weight		Race		Other Description		
Veh. Lic. No. or VIN 7.				State				<input type="checkbox"/> COMMERCIAL VEHICLE (Veh. Code, § 15210(b))			
Yr. of Veh. 8.	Make	Model	Body Style		Color		<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)				
Evidence of Financial Responsibility 9.											
Registered Owner or Lessee 10.										<input type="checkbox"/> Same as Driver	
Address 11.										<input type="checkbox"/> Same as Driver	
City 12.				State				ZIP Code			
Correctable Violation (Veh. Code, § 40610)										<input type="checkbox"/> Booking Required	
Yes	No	Code and Section		Description				Misdemeanor or Infraction (Circle)			
13. <input type="checkbox"/>	<input type="checkbox"/>							M		I	
14. <input type="checkbox"/>	<input type="checkbox"/>							M		I	
15. <input type="checkbox"/>	<input type="checkbox"/>							M		I	
16. <input type="checkbox"/>	<input type="checkbox"/>							M		I	
Speed Approx. 17. >	P.F./Max Spd.		Veh. Lmt.		Safe	Radar	<input type="checkbox"/> Continuation Form Issued		N		
Location of Violation(s) 18. at						City/County of Occurrence				W	E
Comments (Weather, Road & Traffic Conditions) 19.										<input type="checkbox"/> Accident	
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.											
20. I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.											
21. Arresting or Citing Officer						Serial No.		to		Dates Off	
22. / /		Date				Name of Arresting Officer, if different from Citing Officer				Serial No.	
										to	
										Dates Off	
23. WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. X Signature											
24. WHEN: ON OR BEFORE THIS DATE: / /											
Time: <input type="checkbox"/> AM <input type="checkbox"/> PM											
Time: <input type="checkbox"/> AM <input type="checkbox"/> PM											
25. WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE. WHERE: [Name of court[s]] [Section[s] or division[s], room no[s].] [Street address(es)] [Phone No.]											
26. <input type="checkbox"/> To be notified <input type="checkbox"/> You may arrange with the clerk to appear at a night session of the court.											
						FPO Barcode			DEFENDANT COPY		
Judicial Council of California Form Rev. 01-01-04 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)										SEE REVERSE TR-130	

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR (Reverse of Defendant's Copy)

IMPORTANT — READ CAREFULLY

WARNING: If you fail to appear in court as you have promised, you may be arrested and punished by 6 MONTHS IN JAIL AND/OR A \$1,000 FINE regardless of the disposition of the original charge. (Veh. Code, § 40508 or Pen. Code, § 853.7.) In addition, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration (in absentia) pursuant to Vehicle Code section 40903(a) upon any alleged infraction, as charged by the arresting/citing officer.

JUVENILE: If you were under age 18 at the time the citation was issued, you must appear in court with your parent or guardian.

COURTESY NOTICE: A courtesy notice **may** be mailed to the address shown on your citation, indicating the required deposit of money (bail) that may be forfeited instead of your appearing in court. If you do not receive such courtesy notice, you are still required to comply with the items below by the appearance date.

WHAT TO DO

You are required to appear at court for a misdemeanor violation. For all violations, your court date/time/place are on the front of this notice to appear. Have the citation with you when contacting the court. In all infraction cases, you must do one or more of the following for each violation:

- Pay the fine (bail).
- Appear in court.
- Contest the violation.
- Correct the violation (traffic cases, when applicable).
- Request traffic school (traffic cases, when applicable).
- Request trial by written declaration (traffic infractions).

If you do not do one of the above actions, then a "failure to appear" charge will be filed against you (Veh. Code, § 40508(a)) and your driver license may be withheld, suspended, or revoked. In some courts you may be charged an amount in addition to the bail amount and the case may be turned over to a collection agency. (Pen. Code, § 1214.1.)

1. If you do NOT contest the violation:

a. (Pay the bail amount) Contact the court for bail information. You will not have to appear in court. You will be convicted of the violation, and it will appear on your record at the Department of Motor Vehicles (DMV). A point count may be charged to your DMV record and your insurance may be adversely affected.

b. (Traffic school) You may be able to avoid the point count by completing traffic school. You must pay the bail amount as a fee and you may have to pay other fees. Contact the court to request traffic school.

c. (Correctable violations) If the "Yes" box is checked on the front of your ticket, the violation is correctable. Upon correction of the violation, have a law enforcement officer or an authorized inspection/installation station agent sign below. (Veh. Code, § 40616.) Registration and driver license violations may also be certified as corrected at an office of the DMV or by any clerk or deputy clerk of a court. The violation will be dismissed by the court after PROOF OF CORRECTION and payment of a transaction fee are presented to the court by mail or in person by the appearance date. Violations of Vehicle Code section 16028 (automobile liability insurance) will be dismissed **only** upon (1) your **showing or mailing to the court** evidence of financial responsibility valid at the time this notice to appear was issued, and (2) your payment of a transaction fee.

CERTIFICATE OF CORRECTION (MUST BE RETURNED TO COURT)

Section(s) Violated	Signature of Person Certifying Correction	Serial No.	Agency	Date

2. If you contest the violation (select a or b):

a. (Court trial) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court by the appearance date to request a court trial on a future date when an officer and any witnesses will be present. **You will be required to submit the bail amount.**

—OR—

b. (Trial by written declaration (traffic infractions)) Send a certified or registered letter postmarked not later than five days prior to the appearance date or come to the court on or before the appearance date to request a trial by written declaration. **Submit the bail amount.** You will be given forms to allow you to write a statement and to submit other evidence without appearing in court. An officer will also submit a statement. The judicial officer will consider the evidence and decide the case.

3. Make check/money order payable to **Clerk of the Court**. Write your citation number and driver license number on your check or money order. You may pay in person, by mail, or by phone.

4. Additional information is available at


Local Web site _____

Shaded areas on the form indicate spaces subject to modification for local or agency requirements.

TRAFFIC/NONTRAFFIC NOTICE TO APPEAR
(Reverse of Court's Copy)

(Circle one)

RIGHT or LEFT
THUMB PRINT



Shaded areas on the form indicate spaces subject
to modification for local or agency requirements.

West's Ann.Cal.Penal Code § 853.6

West's Annotated California Codes [Currentness](#)

Penal Code [\(Refs & Annos\)](#)

Part 2. Of Criminal Procedure [\(Refs & Annos\)](#)

☞ [Title 3.](#) Additional Provisions Regarding Criminal Procedure [\(Refs & Annos\)](#)

☞ [Chapter 5C.](#) Citations for Misdemeanors [\(Refs & Annos\)](#)

➡ **§ 853.6. Misdemeanors; release procedures; notice to appear; contents; procedure upon violation of domestic violence protective order; evidence of identification; bail and forfeiture; booking or fingerprinting; grounds for nonrelease; alteration or destruction of citation; recommendation of dismissal; procedure where charged person claims not to be person issued notice to appear**

(a) In any case in which a person is arrested for an offense declared to be a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the person is released, the officer or his or her superior shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, and the time when, and place where, the person shall appear in court. If, pursuant to subdivision (i), the person is not released prior to being booked and the officer in charge of the booking or his or her superior determines that the person should be released, the officer or his or her superior shall prepare a written notice to appear in a court.

In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, as defined in subdivision (b) of [Section 13700](#), or arrested pursuant to a policy, as described in [Section 13701](#), the person shall be taken before a magistrate instead of being released according to the procedures set forth in this chapter, unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested. Prior to adopting these provisions, each city, county, or city and county shall develop a protocol to assist officers to determine when arrest and release is appropriate, rather than taking the arrested person before a magistrate. The county shall establish a committee to develop the protocol, consisting of, at a minimum, the police chief or county sheriff within the jurisdiction, the district attorney, county counsel, city attorney, representatives from domestic violence shelters, domestic violence councils, and other relevant community agencies.

Nothing in this subdivision shall be construed to affect a defendant's ability to be released on bail or on his or her own recognizance.

(b) Unless waived by the person, the time specified in the notice to appear shall be at least 10 days after arrest if the duplicate notice is to be filed by the officer with the magistrate.

(c) The place specified in the notice shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by that court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his or her written promise to appear in court as specified in the notice by signing the duplicate notice which shall be retained by the officer, and the officer may require the arrested person, if he or she has no satisfactory identification, to place a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on the notice to appear. Except for law enforcement purposes relating to the identity of the arrestee, no person or

entity may sell, give away, allow the distribution of, include in a database, or create a database with, this print. Upon the signing of the duplicate notice, the arresting officer shall immediately release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice, as follows:

(1) It shall be filed with the magistrate if the offense charged is an infraction.

(2) It shall be filed with the magistrate if the prosecuting attorney has previously directed the officer to do so.

(3) The duplicate notice and underlying police reports in support of the charge or charges shall be filed with the prosecuting attorney in cases other than those specified in paragraphs (1) and (2).

If the duplicate notice is filed with the prosecuting attorney, he or she, within his or her discretion, may initiate prosecution by filing the notice or a formal complaint with the magistrate specified in the duplicate notice within 25 days from the time of arrest. If the prosecution is not to be initiated, the prosecutor shall send notice to the person arrested at the address on the notice to appear. The failure by the prosecutor to file the notice or formal complaint within 25 days of the time of the arrest shall not bar further prosecution of the misdemeanor charged in the notice to appear. However, any further prosecution shall be preceded by a new and separate citation or an arrest warrant.

Upon the filing of the notice with the magistrate by the officer, or the filing of the notice or formal complaint by the prosecutor, the magistrate may fix the amount of bail that in his or her judgment, in accordance with [Section 1275](#), is reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him or her in the form set forth in [Section 815a](#). The defendant may, prior to the date upon which he or she promised to appear in court, deposit with the magistrate the amount of bail set by the magistrate. At the time the case is called for arraignment before the magistrate, if the defendant does not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may, in his or her discretion, order that no further proceedings shall be had in the case, unless the defendant has been charged with a violation of [Section 374.3](#) or [374.7](#) of this code or of [Section 11357](#), [11360](#), or [13002 of the Health and Safety Code](#), or a violation punishable under [Section 5008.7 of the Public Resources Code](#), and he or she has previously been convicted of a violation of that section or a violation that is punishable under that section, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him or her to appear, the magistrate may declare the bail forfeited and order that no further proceedings be had in the case.

Upon the making of the order that no further proceedings be had, all sums deposited as bail shall immediately be paid into the county treasury for distribution pursuant to [Section 1463](#).

(f) No warrant shall be issued for the arrest of a person who has given a written promise to appear in court, unless and until he or she has violated that promise or has failed to deposit bail, to appear for arraignment, trial, or judgment or to comply with the terms and provisions of the judgment, as required by law.

(g) The officer may book the arrested person prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the date the arrested

person appears in court. If it is indicated on the citation that the arrested person shall be booked or fingerprinted prior to the date of the person's court appearance, the arresting agency at the time of booking or fingerprinting shall provide the arrested person with verification of the booking or fingerprinting by making an entry on the citation. If it is indicated on the citation that the arrested person is to be booked or fingerprinted, the magistrate, judge, or court shall, before the proceedings begin, order the defendant to provide verification that he or she was booked or fingerprinted by the arresting agency. If the defendant cannot produce the verification, the magistrate, judge, or court shall require that the defendant be booked or fingerprinted by the arresting agency before the next court appearance, and that the defendant provide the verification at the next court appearance unless both parties stipulate that booking or fingerprinting is not necessary.

(h) A peace officer shall use the written notice to appear procedure set forth in this section for any misdemeanor offense in which the officer has arrested a person without a warrant pursuant to [Section 836](#) or in which he or she has taken custody of a person pursuant to [Section 847](#).

(i) Whenever any person is arrested by a peace officer for a misdemeanor, that person shall be released according to the procedures set forth by this chapter unless one of the following is a reason for nonrelease, in which case the arresting officer may release the person, or the arresting officer shall indicate, on a form to be established by his or her employing law enforcement agency, which of the following was a reason for the nonrelease:

(1) The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.

(2) The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.

(3) The person was arrested under one or more of the circumstances listed in [Sections 40302](#) and [40303 of the Vehicle Code](#).

(4) There were one or more outstanding arrest warrants for the person.

(5) The person could not provide satisfactory evidence of personal identification.

(6) The prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offense or offenses, would be jeopardized by immediate release of the person arrested.

(7) There was a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by release of the person arrested.

(8) The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.

(9) There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

The form shall be filed with the arresting agency as soon as practicable and shall be made available to any party having custody of the arrested person, subsequent to the arresting officer, and to any person authorized by law to release him or her from custody before trial.

(j) Once the arresting officer has prepared the written notice to appear and has delivered a copy to the person arrested, the officer shall deliver the remaining original and all copies as provided by subdivision (e).

Any person, including the arresting officer and any member of the officer's department or agency, or any peace officer, who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed, the face side of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the magistrate or with a person authorized by the magistrate to receive deposit of bail, is guilty of a misdemeanor.

If, after an arrested person has signed and received a copy of a notice to appear, the arresting officer determines that, in the interest of justice, the citation or notice should be dismissed, the arresting agency may recommend, in writing, to the magistrate that the charges be dismissed. The recommendation shall cite the reasons for the recommendation and shall be filed with the court.

If the magistrate makes a finding that there are grounds for dismissal, the finding shall be entered in the record and the charges dismissed.

Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for dismissal.

(k)(1) A person contesting a charge by claiming under penalty of perjury not to be the person issued the notice to appear may choose to submit a right thumbprint, or a left thumbprint if the person has a missing or disfigured right thumb, to the issuing court through his or her local law enforcement agency for comparison with the one placed on the notice to appear. A local law enforcement agency providing this service may charge the requester no more than the actual costs. The issuing court may refer the thumbprint submitted and the notice to appear to the prosecuting attorney for comparison of the thumbprints. When there is no thumbprint or fingerprint on the notice to appear, or when the comparison of thumbprints is inconclusive, the court shall refer the notice to appear or copy thereof back to the issuing agency for further investigation, unless the court finds that referral is not in the interest of justice.

(2) Upon initiation of the investigation or comparison process by referral of the court, the court shall continue the case and the speedy trial period shall be tolled for 45 days.

(3) Upon receipt of the issuing agency's or prosecuting attorney's response, the court may make a finding of factual innocence pursuant to [Section 530.6](#) if the court determines that there is insufficient evidence that the person cited is the person charged and shall immediately notify the Department of Motor Vehicles of its determination. If the Department of Motor Vehicles determines the citation or citations in question formed the basis of a suspension or revocation of the person's driving privilege, the department shall immediately set aside the action.

(4) If the prosecuting attorney or issuing agency fails to respond to a court referral within 45 days, the court shall make a finding of factual innocence pursuant to [Section 530.6](#), unless the court finds that a finding of factual innocence is not in the interest of justice.

(5) The citation or notice to appear may be held by the prosecuting attorney or issuing agency for future adjudication should the arrestee who received the citation or notice to appear be found.

(l) For purposes of this section, the term "arresting agency" includes any other agency designated by the arresting agency to provide booking or fingerprinting services.

CREDIT(S)

(Added by Stats.1959, c. 1558, p. 3888, § 1. Amended by Stats.1967, c. 816, p. 2240, § 3; Stats.1969, c. 1259, p. 2459, § 2; Stats.1970, c. 1548, p. 3147, § 4; Stats.1974, c. 1230, p. 2673, § 1; Stats.1975, c. 248, p. 646, § 10; Stats.1976, c. 270, p. 562, § 1, eff. June 25, 1976; Stats.1980, c. 1094, p. 3507, § 2; Stats.1981, c. 28, p. 63, § 1, eff. May 8, 1981; Stats.1982, c. 1103, p. 4004, § 2; Stats.1984, c. 952, § 1; [Stats.1987, c. 72, § 1, eff. June 30, 1987](#); [Stats.1988, c. 160, § 129](#); [Stats.1991, c. 453 \(A.B.93\), § 1](#); [Stats.1992, c. 1105 \(A.B.3156\), § 1](#); [Stats.1993, c. 589 \(A.B.2211\), § 117](#); [Stats.1993, c. 995 \(A.B.1850\), § 2](#); [Stats.1995, c. 93 \(A.B.219\), § 2](#); [Stats.1996, c. 851 \(A.B.2170\), § 1](#); [Stats.2003, c. 467 \(S.B.752\), § 3](#); [Stats.2004, c. 889 \(A.B.2853\), § 4, eff. Sept. 29, 2004.](#))

HISTORICAL AND STATUTORY NOTES

2004 Electronic Update

1987 Legislation

The 1987 amendment added subd. (j) and made non-substantive changes.

1988 Legislation

The 1988 amendment substituted, in the second sentence of subd. (a), "time when, and place where," for "time and place where"; substituted, in subd. (d), "promise to appear in court as specified in the notice" for "promise so to appear in court", and "upon the signing of the duplicate notice" for "Thereupon"; substituted, in the first paragraph following subd. (e)(3), "specified in the duplicate notice" for "specified therein"; substituted, in the second paragraph following subd. (e)(3), "bail set by the magistrate" for "bail thus set", "At the time the case is called" for "Thereafter, at the time when the case is called", and "374.3 or 374.7" for "374b or 374e"; deleted, in subd. (g), ", as defined in subdivision 21 of Section 7," following "book the arrested person"; and made other, nonsubstantive changes to maintain the code.

1991 Legislation

The 1991 amendment inserted the second and third paragraphs of subd. (a) relating to release for arrest on a misdemeanor violation involving domestic violence, and made a nonsubstantive change in subd. (a).

1992 Legislation

The 1992 amendment rewrote subd. (g); and added subd. (k), defining arresting agency. Prior to amendment, subd. (g) read:

"The officer may either book the arrested person prior to release or indicate on the citation that the arrested person shall be booked. If it is indicated on the citation that the arrested person is to be booked, the magistrate shall, before the proceedings are finally concluded, order the defendant to be booked by the arresting agency."

against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for completion of a program of traffic safety instruction at a school for traffic violators licensed by the department or a licensed driving school, and, after that completion, the court may dismiss the complaint under the following conditions:

(1) If the offense is alleged to have been committed within 12 months of another offense that was dismissed under this section, the court may order the continuance and, after the completion of a program of traffic safety instruction, dismiss the complaint. The court may order the completion of a program of traffic safety instruction at a licensed school for traffic violators that offers a program of at least 12 hours of instruction.

(2) If the offense is not alleged to have occurred within 18 months of another offense that was dismissed under this section, the court may order the continuance and, after the completion of the program, dismiss the complaint if the completion of the program was at any of the types of schools or programs that the court directed pursuant to Section 42005 at the time of ordering the continuance.

(b) This section shall become inoperative on September 20, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 30.5. Section 41501 is added to the Vehicle Code, to read:

41501. (a) The court may order a continuance of a proceeding against a person, who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for completion of a program of traffic safety instruction at a school for traffic violators licensed by the department or a licensed driving school, and, after that completion and pursuant to Section 1803.5 or 42005, the court may dismiss the complaint under the following conditions:

(1) If the offense is alleged to have been committed within 12 months of another offense that was dismissed under this section, the court may order the continuance and, after the completion of a program of traffic safety instruction, dismiss the complaint. The court may order the completion of a program of traffic safety instruction at a licensed school for traffic violators that offers a program of at least 12 hours of instruction.

(2) If the offense is not alleged to have occurred within 18 months of another offense that was dismissed under this section, the court may order the continuance and, after the completion of the program, dismiss the complaint if the completion of the program was at any of the types of schools or programs that the court directed pursuant to Section 42005 at the time of ordering the continuance.

(b) This section shall become operative on September 20, 2005.

SEC. 31. Section 42005 of the Vehicle Code is amended to read:

42005. (a) The court may order or permit a person convicted of a traffic violation to attend a traffic violator school licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

(b) In lieu of adjudicating a traffic offense committed by a person who holds a noncommercial class C, class M1, or class M2 driver's license, and with the consent of the defendant, the court may order the person to attend a licensed traffic violator school, a licensed driving school, or any other court-approved program or driving instruction.

(c) Pursuant to Title 49 of the Code of Federal Regulations, the court may not order or permit a person who holds a class A, class B, or commercial class C driver's license to complete a licensed traffic

violation school, a licensed driving school, or any other court-approved program of driving instruction in lieu of adjudicating any traffic offense committed by the holder of a class A, class B, or commercial class C driver's license.

(d) The court may not order or permit a person, regardless of the driver's license class, to complete a licensed traffic violation school, a licensed driving school, or any other court-approved program of driving instruction in lieu of adjudicating an offense if that offense had occurred in a commercial motor vehicle, as defined in subdivision (b) of Section 15210.

(e) Except as otherwise provided in subdivision (f), a person so ordered may choose the traffic violation school the person will attend. The court shall make available to each person subject to that order the current list of traffic violation schools published by the department pursuant to Section 11205.

(f) In those counties where, prior to January 1, 1985, one or more individual courts, or the county acting on behalf of one or more individual courts, contracted for the provision of traffic safety instructional services to traffic violators referred by the court pursuant to a pretrial diversion program, the courts may restrict referrals under this section to those schools for traffic violators or licensed driving schools that are under contract with the court or with the county to provide traffic safety instructional services for persons referred pursuant to subdivision (a).

(g) A county described in Section 28023 of the Government Code may continue to provide the program authorized by this section in accordance with the provisions of current and future contracts as may be amended and approved by the individual courts within that county and the county shall be exempt from state regulations relative to maximum classroom attendance.

(h) Notwithstanding subdivisions (f) and (g), a court in the counties described in those subdivisions shall comply with the prohibitions set forth in subdivisions (c) and (d).

(i) A person who willfully fails to comply with a court order to attend traffic violation school is guilty of a misdemeanor.

(j) This section shall become operative on September 20, 2005.

SEC. 31.3. Section 42005 of the Vehicle Code is amended to read:

42005. (a) The court may order any person convicted of a traffic violation to complete a program of traffic safety instruction at a traffic violation school licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

(b) In lieu of adjudicating a traffic offense, and with the consent of the defendant, or after conviction of a traffic offense, the court may order any person issued a notice to appear for a traffic violation to complete a program of traffic safety instruction at a traffic violation school licensed pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5.

(c) Except as otherwise provided in subdivision (d), any person so ordered may choose the traffic violation school the person will attend. The court shall provide to each person subject to that order a complete copy of both the current classroom referral list and the current home study referral list of traffic violation schools published by the department pursuant to Section 11205.

(d) In those counties where, prior to January 1, 1985, one or more individual courts, or the county acting on behalf of one or more individual courts, contracted for the provision of traffic safety instructional services to traffic violators referred by the court pursuant to a pretrial diversion program, the courts may restrict referrals under this section to those schools for traffic violators or licensed driving